

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.6310 of 2011

ORDER:

In this petition filed under Section 482 Cr.P.C., the petitioner/A1 seeks to quash the proceedings against him in C.C.No.1295 of 2009 on the file of IX Metropolitan Magistrate, Kukatpally, Cyberabad, Ranga Reddy District.

2) The factual matrix of the case is thus:

a) The 1st respondent/complainant filed a private complaint for the offence under Section 498A IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961 alleging that her marriage with A1 took place on 24.10.2001 at Tirumala Hills, Tirupati; during marriage her parents paid Rs.1 lakh towards dowry besides gold and silver ornaments worth Rs.75,000/-; after marriage, they came to know that accused was working in Vergo Company, Chennai as Marketing Executive and drawing only Rs.6,000/- per month but not Rs.20,000/- as represented; thereafter, A1 shifted the family from Chennai to Pune, where also he demanded amount from her father for purchase of plot; while so, she gave birth to a female child on 24.09.2003 at her parents' house, Hyderabad and when the said fact was informed to the accused, they did not attend to see the child; on 14.01.2006, she gave birth to second child and at that time also the accused did not bother to see the newly born child and enquire the welfare of the complainant; the accused swallowed the sale proceeds of

gold and silver ornaments presented at the time of her marriage ultimately she took shelter in her parents' house.

Hence, the complaint.

b) The said complaint was referred to the SHO, Chandanagar PS. The police registered the same as Cr.No.287 of 2009 and after investigation filed charge sheet. The learned IX Metropolitan Magistrate, Kukatpally took cognizance of the same and registered it as C.C.No.1295 of 2009 and issued summons to the accused.

Aggrieved, the petitioner/A1 filed the instant quash petition.

3) Heard arguments of Sri P.Raja Sripathi Rao, learned counsel for petitioner/A1 and learned Additional Public Prosecutor (TS) for respondent No.2. Though notice served on R1, none appeared.

4) The petitioner, apart from denying charge sheet allegations, seeks for quashment of the proceedings mainly on the argument that even if all the allegations are admitted to be true, no part of cause of action had arisen within the jurisdiction of Chandanagar PS and therefore IX Metropolitan Magistrate, Kukatpally has no jurisdiction to try the CC.

5) Having regard to the fact that Trial Court has seisen of the matter which is coming up for framing of charges, without expressing any opinion on the contention raised by the petitioner, he is given liberty to approach the trial Court and file discharge application taking all pleas that are legally permissible to him including the jurisdictional issue in

which case, the trial Court shall pass an appropriate order on merits after hearing both sides.

6) This Criminal Petition is accordingly disposed of.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 31.10.2018
Murthy

